



PETITION TO MAKE SPECIAL

Title: Portable Dressing Blind and Method of Use
Applicant: William Edward Windham
Application # 10/687,330 Filed 10-16-2003

Applicant hereby respectfully petitions that the above application be made special under MPEP 708.02 for the following reason; attached are supporting statements and documentation as required:

VIII. Special Accelerated Examining Procedure: A pre-examination search was done.

Enclosed is a check for \$130.

Respectfully,

John V. Stewart, U.S. Patent Agent 38,627
1308 Henry Balch Dr., Orlando FL 32810
Phone and Fax 407-629-5240 email: jvsmail@aol.com

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CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Non-Fee Amendment, Washington, D.C. 20231, on

11-29-2003
Date

John V. Stewart

SUPPORTING STATEMENTS UNDER MPEP 708.02 VIII

- a) Petition is enclosed, accompanied by the fee set forth in 37 CFR 1.17(h).
- b) All the claims in this application are directed to a single invention.
- c) A pre-examination search was made. A search report is included below, listing the fields of search by class and subclass.
- d) A copy of each reference listed in the search report is enclosed.
- e) A detailed discussion of the references deemed by Applicant to be most closely related to the subject matter encompassed by the claims of the present application follows:

THE APPLICANT'S INVENTION

The invention is a blind for changing clothes on the beach. It has three rigid rods 1-3 that are inserted in a continuous sleeve around 3 sides of a closed curtain at the top. In operation, a friend holds the two side rods 1 and 3 parallel to each other at head height. This forms a U shaped temporary frame of rods, on which the curtain hangs in the form of a square tube. The user steps inside this tube, before or after it is raised, and changes clothes.

The rods are not attached to each other, so they can be easily folded against each other along with the curtain top. Then the curtain is rolled around the rods into a compact roll for storage. This roll is only the length of a rod (about 30") and about 4" thick.

Points of novelty of Applicant's dressing blind:

- 1) A second person holds up the blind. It is not self-supporting like a tent.
- 2) Only three rods are used around the top, forming a temporary U-shaped suspension frame. No other frame element is used.
- 3) The rods are simple and smooth, without connectors or protrusions of any kind.
- 4) The rods are not attached to each other, but are held loosely end-to-end by a common sleeve
- 5) The rods easily slide out of the sleeve at one end. This allows machine-washing of the fabric. The fabric has no other rigid components.
- 6) A flap 8 at the bottom of the front panel 4 allows the support person to hold down the front of the blind to prevent billowing of the blind in the wind. The support person stands on this flap with his/her back to the wind.

SEARCH REPORT

The searcher found relevant prior US patents in a search of the following classes and subclasses:

2/89
43/1
52/63
52/71
135/16
135/88.13
135/90
135/98
135/99
135/125
135/141
135/143
135/153

DISCUSSION OF PRIOR ART

US 1,288,518 (Collier 1918) Portable Dressing Cabinet

This dressing cabinet has fabric sides that are contiguous but not closed, allowing one side for a door. A fabric top is attached to the upper end of one side. A fabric floor is attached to the lower end of one side. Vertical posts support the sides at each vertical edge. Horizontal braces separate the tops of the posts. The vertical posts are collapsible, and the whole cabinet can then be rolled into a compact bundle. This is relevant, but does not have any of the points of novelty listed above.

US 1,409,316 (Smith 1922) Bathing Tent

This is a circular tent with a central vertical support pole. It has none of the points of novelty listed above.

US 1,466,166 (Hodgson 1923) Portable Dressing Tent

This tent has a rectangular frame for the top, from which the sides hang. No vertical support frame is provided. The occupant supports the top frame via a strap on the occupant's head or by resting the frame on the occupant's shoulders. The bottom of the hanging sides may be staked to the ground. This device is completely impractical for changing a shirt or any garment that is pulled over the head. This device has none of the points of novelty listed above.

US 1,713,439 (Klyaich 1929) Portable Shelter

This is a rectangular tent having four vertical support posts interconnected at top and bottom by 4 rods, forming a rigid rectangle over which fabric is attached. This has none of the points of novelty listed above.

US 1,804,190 (Wendel 1931) Portable Dressing Shield

This is a curtain that hangs from a circular frame supported by the occupant's head or shoulders. This device has none of the points of novelty listed above.

US 2,027,551 (Rideout 1936) Automobile Dressing Beach Tent

This is a curtain that hangs from a circular or square frame suspended from a hanger that is attached to a car window and extends outward beside the car. This device does not have any of the points of novelty listed above.

US 2,167,861 (Zimmern et al. 1939) Foldable Cabinet

This is a curtain that hangs from two parallel horizontal rods, causing the curtain to hang in a rectangular tubular shape. The curtain has pockets near the bottom of the fabric for ballast to prevent blowing of the fabric in the wind. A vertical pole staked into the ground outside the curtain has arms above the blind that hold the two parallel rods. Although Applicant's blind can optionally use two parallel hanging rods instead of three, this configuration makes the rods more difficult to hold apart by a support person, so it is not preferred. Zimmern et al. does not have any of the points of novelty listed above.

US 2,221,366 (Bisbing et al. 1940) Umbrella Robe

This is an umbrella with a curtain that hangs from the circumference of the umbrella and encloses an occupant to protect them from rain. It does not have any of the points of novelty listed above, and it is not useful for dressing.

US 2,594,410 (Feldpausch 1952) Hunter's Blind

This is a cylindrical topless and bottomless blind supported on a foldable frame with vertical side poles and spring loops at top and bottom to hold the fabric in shape. It does not have any of the points of novelty listed above, but the fabric is separable from the frame.

US 2,652,845 (O'Neill et al. 1953) Combination Portable Beach Tent and Umbrella

This uses an umbrella-like top, or a covered square frame, to support hanging sides forming a hanging square or cylindrical fabric tube. The top is held up by either an external or internal support pole that hangs the top frame from its midpoint. This device does not have any of the points listed above.

US 2,926,677 (Lalonde 1960) Tent Attachment for Automobiles

This is a dressing blind made of fabric that hangs from a horizontal rectangular frame attached to a car window. It is similar to Rideout above, and has similar relevance. It does not have any of the points of novelty listed above.

US 4,449,542 (McSwain et al. 1984) Portable Hunting Blind

This is a hanging fabric blind suspended from an umbrella-like top via an external pole with an arm that hangs the umbrella from its central point. The bottom edge of the fabric is staked to the ground. This is similar to O'Neill, and has similar relevance. It does not have any of the points of novelty listed above.

US 5,430,980 (Ferrier 1995) Collapsible Cubicle

This hanging blind uses a circular band in both the top and bottom of a cylindrical fabric tube. The top band is provided to hang the tube via an external pole, and the bottom band is provided to support the cylindrical shape of the fabric in the wind. This is similar to O'Neill, and has similar relevance. It does not have any of the points of novelty listed above.

US 5,592,961 (Chin 1997) Portable Booth

This appears less relevant than some of the other prior art found in this search. It does not have any of the points of novelty listed above.

US 6,434,877 (Shelton 2002) Collapsible Hunter's Blind

This is a fabric blind that hangs from two arms extending horizontally from an attachment on a tree trunk. The two arms diverge from the trunk, forming a horizontal V-shaped top frame that creates a triangular tube with an unsupported front panel. The Applicant's blind is roomier and better for dressing because it is a square tube instead of triangular. Shelton's fabric is removable from his rods, but not smoothly and easily as Applicant's design, due to hooks 24a, 25a on Sheldon's support rods. Otherwise, this device does not have any of the points of novelty listed above.